

I hereby certify that this paper (4 pages) is being  
transmitted to the USPTO on the date shown below.  
Date Dec 15 '05  
Edward Langer, Reg. No. 30,564

URGENT

(571) 273-8300

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : SURASKI, Ze'ev et al  
Serial no. : 09/990,380  
Filed : November 23, 2001  
For : METHOD AND APPAARATUS FOR DYNAMIC  
SHARED-MEMORY CACHING OF SCRIPTING  
ENGINE PRODUCT

RECEIVED  
CENTRAL FAX CENTER

DEC 15 2005

Examiner: LAZARO, David R.  
Art Unit: 2155

Tel Aviv, Israel  
December 15, 2005

Hon. Commissioner of Patents and Trademarks  
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
PER 37 CFR 1.181(a)

Sir,

The Applicants, through their undersigned representative, hereby petition to withdraw the Notice of Abandonment, mailed September 22, 2005 in the subject case. Support for this petition is attached.

As noted in the notice of Abandonment, the case was abandoned for failure to file a response to the Office Action of February 11, 2005. The Examiner asked the Applicants' attorney to call him regarding a restriction requirement. On February 3, 2005 a message was left by the undersigned requesting receipt of the Office Action.

However, no Office Action was received.

Again, Applicants' attorney did not receive the Office Action of February 11, 2005.

Applicants' attorney maintains a docketing system known as PATTSY, and the docket clerk responsible for entering Office Action due dates is diligent in this activity. As a backup system, this clerk also maintains the Microsoft Outlook calendar filled with

dates for activities to be performed. A report of these due dates is printed periodically, approximately weekly.

Attached (p. 3) is the docket history of the subject case in our office. In addition to the lines in the "Action" column, Applicants' Attorney has added, for purposes of this petition, a circled letter "A" on a line relating to the following discussion.

Specifically, on the line marked "A", it is noted that the undersigned filed an IDS on March 24, 2004. In the PATTSY system, this date was noted as a due date of DD/MM/YY as 28/03/2004.

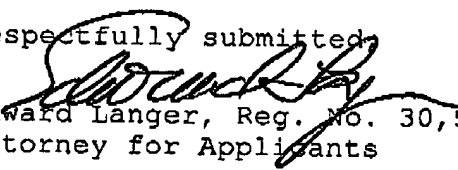
There is no listing for any Office Action occurring after the publication notice. This documents the non-receipt of the Office Action (supposedly mailed on February 11, 2005). A thorough search of our Office and the file jacket was conducted.

Upon checking our records further recently, Applicants' attorney was made aware of the existence of the Office Action. His secretary proceeded to access the Office Action on the PTO database website. The first page of this Office Action is attached (p. 4), and it can be seen that there is a simple explanation for non-receipt of the Office Action. The PTO mishandled this mailing, since the addressee is INCORRECT.

Therefore, the USPTO should grant this petition. A sufficient showing has been made.

It is respectfully requested that this petition be dealt with urgently, and that the Office Action be re-mailed correctly, with a new date set for response, to enable continuation of the examination.

Respectfully submitted,

  
Edward Langer, Reg. No. 30,564  
Attorney for Applicants

c/o Shibolet, Yisraeli, Roberts, Zisman & Co.  
350 Fifth Ave. - 60<sup>th</sup> floor  
New York, NY 10118  
349142/1

15 DEC 2005 11:35 SHIBOLET YSRAELI 03-7103322

NO. 466 P. 3

ENTRANC 25/11/2001 MODIFIED 13/12/2005 ATTORNEYS EL / EL / SL PRINTED ON: 13/12/2005

YOUR# Z-44-1 US CENTRY US UNITED STATES NEW/CON NEW RELATED  
PAT# P00117US0 TYPE UTL SERIAL# 09/990,380 PATENT# STAT PENDING  
TITLE METHOD AND APPARATUS FOR DYNAMIC SHARED-MEMORY CACHING OF SCRIPTING ENGINE PRODUCT  
CLIENT Z-44 ZEND TECHNOLOGIES 1 CREF SE Yes TXT2  
AGENT AREF CLAIMS TXT3  
PRIOR 22/11/2000 MAIL 22/11/2001 FILE 23/11/2001 PUBL ISSUE EXP 23/11/2021 1ST 23/11/2001

| ID | O | ACTION               | BASE       | DUE IN | DUE        | EXTNS | FINAL      | EXT | RESPONSE   | CALL | 1 | 2 | P |
|----|---|----------------------|------------|--------|------------|-------|------------|-----|------------|------|---|---|---|
| FO | N | FOREIGN FILING DUE   | 22/11/2000 | 12 M   | 22/11/2001 |       | 22/11/2001 | 0   | 22/11/2001 | 3 M  | Y | Y | Y |
| PC | N | POST CARD CHECK      | 22/11/2001 | 1 M    | 22/12/2001 |       | 22/12/2001 | 0   | 03/12/2001 | 0 M  | Y | Y | Y |
| FS | N | FILG RCPT STATUS CHK | 22/11/2001 | 3 M    | 22/02/2002 |       | 22/02/2002 | 0   | 13/12/2001 | 0 M  | Y | Y | Y |
| DS | N | INF DISCLOSURE STMT  | 23/11/2001 | 3 M    | 23/02/2002 |       | 23/02/2002 | 0   | 28/03/2004 | 1 M  | Y | Y | Y |
| PU | N | PUBLICATION          | 23/11/2001 | 18 M   | 23/05/2003 |       | 23/05/2003 | 0   | 23/05/2002 | 1 M  | Y | Y | Y |
| SC | N | STATUS CHECK         | 23/11/2001 | 18 M   | 23/05/2003 |       | 23/05/2003 | 0   | 23/05/2002 | 1 M  | Y | Y | Y |

## INVENTORS

ZEEV SURASKI  
ANDI GUTMANS

## ASSIGNEES

ZEND TECHNOLOGIES

## TERMS

method

apparatus

DYNAMIC

SHARED-MEMORY

CACHING

SCRIPTING

ENGINE

## NOTES

Filing Receipt Confirmation No. 2856. Assignment recordation confirmation received 28.01.2002 Recordation Date:23.11.01

Reel/Frame:012323/0199

BEST AVAILABLE COPY

3



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22311-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/990,380

11/23/2001

Zeev Suraski

Z-44-1 US

2856

23366 7590 02/11/2005

MORTON CHIRNOMAS &amp; ASSOC.

11355 W. OLYMPIC BLVD.

SUITE 100

LOS ANGELES, CA 90064

EXAMINER

LAZARO, DAVID R

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

BEST AVAILABLE COPY

④